(1321 Ridge Road) Joan W. Gundlach relationer

Hilton Avenue

ist Election District lst Councilmanic District

S/S Ridge Road, 625' F of

IN PF: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE

.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 91-79-A

The Petitioner herein requests a variance to permit a side yard setback of I foot and a rear yard setback of .5 feet, both in lieu of the minimum required 2.5 feet for each, for an existing shed in accordance with Petitioner's Exhibit 1.

A review of the information submitted would indicate that the subject property, known as 1321 Ridge Road, consists of .165 acres zoned D.R. 3.5 and is improved with a single family dwelling and accessory structure (shed). Evidence submitted by Petitioner indicates the relief requested is for the subject shed which was pre-existing to Petitioner's purchase of the subject property. The information contained in the file would indicate that the shed would be difficult to move as it was set on a concrete pad. Further, a letter dated August 18, 1990 from Barbara Norris, who has resided on the adjoining property to the rear of the subject site at 1322 Brook Road for the past 17 years, indicates that at all times a shed has existed on the property and that Ms. Norris has no objection to its existence. In further support of her position, Petitioner submitted a letter dated August 17, 1990 from Harry and Naomi Lohr, residents of 1319 Ridge Road, indicating that a shed has existed in the same location on the subject property for the past 40 years and that they have no objection to the shed. Petitioner also submitted photographs of the subject property depicting the shed and its location on the property.

The case file indicates that the instant Petition was filed as a result of a complaint filed with the Zoning Office by Deborah Hutchinson, of 1323 Ridge Road. Further, the file indicates that the subject property has been properly posted and that no notice of objection has been filed by Ms. Hutchinson. After careful review of the evidence submitted in this matter, it is clear that the granting of the variance in this instance will not result in any detriment to the health, safety or general welfare of the surrounding community. The evidence submitted as to the longstanding existence of a shed in the subject location without prior complaint has been given great weight.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Ballimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS, GRDERED by the Deputy Zoning Commissioner for Baltimore County this $\frac{1600}{100}$ day of October, 1990 that the Petition for Residential Variance to permit a side yard setback of 1 foot and a rear yard setback of .5 feet, both in lieu of the minimum required 2.5 feet for each, for an existing shed in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

and the street ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

sofx party -----

WITNESSETH, That/inconsideration อร์สโตร สหมายน์

Henry R. Gundlach, III

personal representatives successors and assigns

and described as follows, that is to say

tolio 18.

of the second part

JOAN W. GUNDLACH, party - ... ----

grant and convey to the said Joan W. Gundlach, her heirs, -----

BEGINNING for the same at a point on the South Side of Ridge Road

of ground situate in Baltimore County, Maryland

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

		legal owner(s) of the property situate in Baltimore County and which is described in at attached hereto and made a part hereof, petition for a Variance from Section
4	00.1	To allow a side setback of 1 foot in lieu of 2.5 feet and a rear

setback of .5 feet in lieu of 2.5 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (indicate hardship or practical difficulty) 1- Storage shed was pre existing purchase of home 2- Storage shed is set in concrete slab and would be

too difficult to move Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing

of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: (800) 368-2558 HENRY R. GUNDLACH, III Investment Broker (301) 539-3400 Legg Mason Wood Walker, Inc. P.O. Box 1476 Members New York Stock Exchange Baltimore, MD 21203-1476

Name, address and phone number of legal owner, contract purchaser or representative to be contacted. Kenry R. Gundlack II Name
1321 Pidge Road and 71228 788-4399
Address

ORDERED by the Zonling Commissioner of Baltimore County, this 30-th day of 19-90, that the subject matter of this petition be posted on the property on or before the 1274day of SCPT 1990. 5RA

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this ______ day of ______, 19____, that the subject matter of this patition be advertised, as required by the Zoning Lew of Baltimore County, in two newspapers of general circulation through-, that the property be reposted, and that the public hearing be had before the Zoning Commissioner of Beltimore County

	ORDER RECEIVED FOR FILING
	OH WA HEOLING MA
e mag	Date
	By

ZONING CONTRISSIONER OF BALTIMURE COUNTY

AFFIDAVIT IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at 1371 Fidge Road Catonsville, MD 21728

That based upon personal knowledge, the following are the facts upon which I/we base the request for for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty) 1- Storage shed was pre-existing 2- Storage shed is set in concrete clab and would be so difficult

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

AFFIANT (Handwritten Signature) Joan W. Gundlack

AFFIANT (Handwritten Signature) AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this day of August, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

RESERVED TO TOMORER

at a distance of 625 feet Easterly from the East side of Hilton Avenue and running thence from said place of beginning along the South side of Ridge Road--North 71 degrees, 36 minutes, East 50 feet to the West side of Brook Place, thence ilong the West side of Brook Place 30 feet wide, South 29 degrees, 9 minutes, East 136 feet, thence leaving Brook Place and running South 66 degrees, 4 minutes, 7 seconds West 53.62 feet, thence by a straight line North 20 degrees, 41 minutes, West 141.32 feet to the place of beginning. Being known as No. 1321 Ridge Road. BEING and comprising Lot No. 220 on the Plat of Ridgebrook, recorded among the Land Records of Baltimore County in Plat Book LMcLM No. 9. BEING the same property described in a Deed dated February 18, 1987 and recorded among the Land Records of Baltimore County, Maryland at Liber 7483, folio 496, from Howard W. Brown and Karen L. Brown, husband and wife, to Henry R. Gundlach, III. Per Batrica Haly

91-79-A

, in fee simple, all

D RC/F 12.00

#84275 COO2 ROZ TO8:5.

County Office Building PUBLIC HEARING FEES 010 -ZONING VARIANCE (IRL) 080 -FOSTING SIGNS / ADVERTISING 1 X LAST NAME OF OWNER: GUNDLACH

Baltimore County Zoning Commissioner

(301) 887-3353

J. Robert Haines

Office of Planning & Zoning

Ms. Joan Gundlach

Dear Ms. Gundlach:

1623 Park Grove Avenue

Catonsville, Maryland 21228

(1321 Ridge Road)

Case No. 91-79-A

cc: Ms. Deborah Hutchinson

People's Counsel

File

RE: PETITION FOR RESIDENTIAL VARIANCE

Joan W. Gundlach - Petitioner

S/S Ridge Road, 625' W of Hilton Avenue

granted in accordance with the attached Order.

1323 Ridge Road, Baltimore, Md. 21228

1st Election District - 1st Councilmanic District

October 18, 1990

Enclosed please find a copy of the decision rendered in the

In the event any party finds the decision rendered is unfavor-

above-captioned matter. The Petition for Residential Variance has been

able, any party may file an appeal to the County Board of Appeals within

thirty (30) days of the date of this Order. For further information on

filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Towson, Maryland 21204

H9100072 04A04#0020MICHRC BA C003:04PM08-20-90 Please make checks payable to: Baltimore CountEXT BUSINESS DAY ZONING DEPARTMENT OF BALTIMORE COUNTY

Very truly yours, 12 MNs from ice ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

Dennis F. Rasmussen

County Executive

Number of Signs:

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

August 29, 1990

Ms. Joan W. Gundlach 1623 Park Grove Avenue Catonsville, Maryland 21228

Zoning Commissioner

Mr. Henry R. Gundlach, III 1321 Ridge Road Catonsville, Maryland 21228



Re: CASE NUMBER: 91-79-A ITEM NUMBER: 72 LOCATION: 625' E of Hilton Avenue on S/S of Ridge Road 1321 Ridge Road

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before September 12, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is September 27, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or. (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

> 3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

Dennis F. Rasmussen

Your petition has been received and accepted for filing this 20th day of August, 1990.

> J. ROBERT HAINES ZONING COMMISSIONER

Received By:

Zoning Plans Advisory Committee

Petitioner: Joan W. Gundlach Petitioner's Attorney:

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

Zoning Commissioner

September 18, 1990



Dennis F. Rasmussen

RE: Item No. 72, Case No. 91-79-A Petitioner: Joan W. Gundlach Petition for Residential Variance

Dear Ms. Gundlach:

Ms. Joan W. Gundlach

1623 Park Grove Avenue

Catonsville, MD 21228

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

> Very truly yours, with driving hippin JAMES E. DYER Chairman Zoning Plans Advisory Committee

Enclosures

INTEROFFICE CORRESPONDENCE

BALTIMORE COUNTY, MARYLAND

TO: Zoning Advisory Committee DATE: September 5, 1990 FROM: Robert W. Bowling, F.E.

RE: Zoning Advisory Committee Meeting for September 11, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 51, 67, 72, 74, 75, 76, 77, 79, 81.

For 90-560-spha - Pizza Palace, 39 York Road - the previous County Review Group comments still apply.

Developers Engineexing Division

The Petitioner requests a Variance to allow a sideyard setback

In reference to the Petitioner's request, staff offers no

of 1 ft. in lieu of 2.5 ft. and a rear setback of .5 ft. in lieu of

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines

Zoning Commissioner

SUBJECT: Joan W. Gundlach, Item No. 72

Pat Keller, Deputy Director

Office of Planning and Zoning

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM72/ZAC1

DATE: October 12, 1990

BALTIMORE COUNTY, MARYLAND September 11, 1990

J. ROBERT HAINES, ZONING COMMISSONER, DEPARTMENT ZONING CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES CE.B

SUBJECT:

ZONING ITEM #: 72 PROPERTY OWNER: Joan W. Gundlach

LOCATION: 625' E Hilton Ave. On S/S of Ridge Road (#1321 Ridge Road) ELECTION DISTRICT: 1st

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

COUNCILMANIC DISTRICT: 1st

() PARKING LOCATION () NUMBER PARKING SPACES () BUILDING ACCESS

() RAMPS (degree slope) () CURB CUTS () SIGNAGE

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

() A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

OTHER - Building permits are not required for accessory sheds up 100 sq. ft. in area. A Minimum 3'O set back from interior property lines is recommended.

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

Baltimore County Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500 Paul H. Reincke

SEPTEMBER 6, 1990

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Towson, PD 21204



Ealtimore Courty Office Duilöing

RE: Property Owner: JCAN W. GUMPLACH #1321 RIDGE ECAD Location:

Item No.: *72 Zoning Agenda: SEPTEMBER 11, 1990 Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Frevention Bureau has no comments at this time.

REVIEWER: Catt least tolly 9-6-4° Approved Cantown Finally Stroup Fire Prevention Eureau Special Inspection Division

JK/KEK

91-79-A

To whom it may concern:

In telking with Mr. Leo C Sweeners in the Bureau of Land Acquishon, the street "Brook" Place " shown on the original plat and found in the property location description, is a paper street. He stated that the State and Country will never by a title search.

Leo C. Sweeney Records and Control

Baltimore County

Sincerely, Henry R Sundluck Too

Department of Public Works Bureau of Land Acquisition County Office Building, Room 300 Towson, Maryland 21204 (301) 887-3263



77

1332 Grack Rd. Butimore Co; md August 18, 1990

To Whomst May Consun:

Re: 1321 Ridge Rd. Gundlack, Henry

my property abouts the above referred property in the real. I have owned this property for reventien years and a shed has been located in the same area for the entire time. I understand that a shed has been located there for many years prior to my residence.

I have no objection to it's placement and feel that the question of it's location rediculous.

I do object to my launty takes being wastes on a hearing of such triviality.

Very truly yours, Sarbara Marris PETITIONER'S EXHIBIT 1 CASE NUMBER: 91-79-A

12

Maconi G. & Harry F. Lohr 1319 Ridge Rd. Catoneville, MD 21228 Chargest 17, 1996

To Whom it Way Concern,

This is in reference to the storage and in the rear of 1321

Resign the There has have a circle in the same sport for over my years

It is well written the property line of

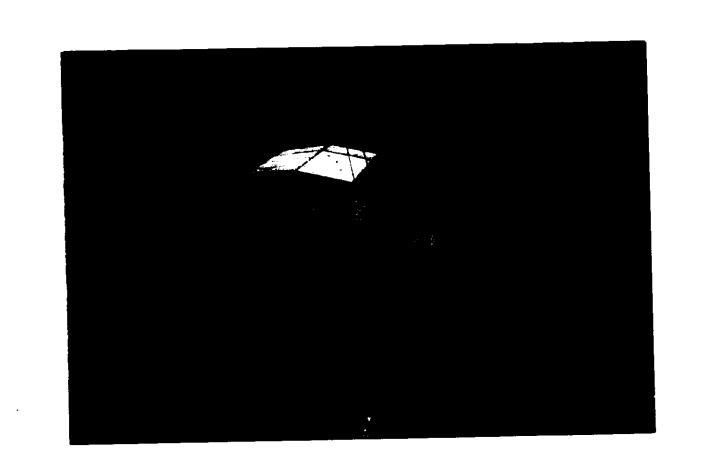
the above agains and i downth to hide behind.

Therefore we request that the stong, which remain as in.

Warry & John

PETITIONER'S EXHIBIT 1 CASE NUMBER: 91-79-A







PETITIONER'S EXHIBIT 4

CASE NUMBER: 91-79-A



